

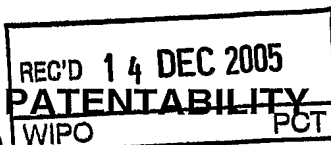
PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)



Applicant's or agent's file reference 16466-WO-03	FOR FURTHER ACTION		See Form PCT/IPEA/416
International application No. PCT/IL2004/000784	International filing date (day/month/year) 30.08.2004	Priority date (day/month/year) 01.09.2003	
International Patent Classification (IPC) or national classification and IPC A61B17/20, A61B17/34, A61M37/00			
Applicant HAWK MEDICAL TECHNOLOGIES LTD. et Al.			
1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36. 2. This REPORT consists of a total of 6 sheets, including this cover sheet. 3. This report is also accompanied by ANNEXES, comprising: a. <input checked="" type="checkbox"/> sent to the applicant and to the International Bureau) a total of 1 sheets, as follows: <input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions). <input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box. b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).			
4. This report contains indications relating to the following items: <input checked="" type="checkbox"/> Box No. I Basis of the opinion <input type="checkbox"/> Box No. II Priority <input checked="" type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability <input type="checkbox"/> Box No. IV Lack of unity of invention <input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement <input type="checkbox"/> Box No. VI Certain documents cited <input type="checkbox"/> Box No. VII Certain defects in the international application <input checked="" type="checkbox"/> Box No. VIII Certain observations on the international application			
Date of submission of the demand 24.03.2005		Date of completion of this report 15.12.2005	
Name and mailing address of the international preliminary examining authority: European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016		Authorized Officer Moers, R Telephone No. +31 70 340-2375	



**INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY**

International application No.
PCT/IL2004/000784

Box No. I Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language , which is the language of a translation furnished for the purposes of:
- ☐ international search (under Rules 12.3 and 23.1(b))
 - ☐ publication of the international application (under Rule 12.4)
 - ☐ international preliminary examination (under Rules 55.2 and/or 55.3)
2. With regard to the **elements*** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

Description, Pages

1-18 as originally filed

Claims, Numbers

4(part), 5-20 as originally filed

1-3, 4(part) received on 24.03.2005 with letter of 21.03.2005

Drawings, Sheets

1/14-14/14 as originally filed

☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing

3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages
 - ☐ the claims, Nos.
 - ☐ the drawings, sheets/figs
 - ☐ the sequence listing (*specify*):
 - ☐ any table(s) related to sequence listing (*specify*):
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages
 - ☐ the claims, Nos.
 - ☐ the drawings, sheets/figs
 - ☐ the sequence listing (*specify*):
 - ☐ any table(s) related to sequence listing (*specify*):

* If item 4 applies, some or all of these sheets may be marked "superseded."

**INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY**

International application No.
PCT/IL2004/000784

Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

1. The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non-obvious), or to be industrially applicable have not been examined in respect of:

☐ the entire international application,

☒ claims Nos. 11-18, 19, 20

because:

☐ the said international application, or the said claims Nos. relate to the following subject matter which does not require an international preliminary examination (specify):

☒ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. 19 are so unclear that no meaningful opinion could be formed (*specify*):

see separate sheet

☐ the claims, or said claims Nos. are so inadequately supported by the description that no meaningful opinion could be formed.

☒ no international search report has been established for the said claims Nos. 11-18, 20

☐ the nucleotide and/or amino acid sequence listing does not comply with the standard provided for in Annex C of the Administrative Instructions in that:

the written form ☐ has not been furnished

☐ does not comply with the standard

the computer readable form ☐ has not been furnished

☐ does not comply with the standard

☐ the tables related to the nucleotide and/or amino acid sequence listing, if in computer readable form only, do not comply with the technical requirements provided for in Annex C-*bis* of the Administrative Instructions.

☐ See separate sheet for further details

**INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY**

International application No.
PCT/IL2004/000784

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1-10
	No: Claims	
Inventive step (IS)	Yes: Claims	1-10
	No: Claims	
Industrial applicability (IA)	Yes: Claims	1-10
	No: Claims	

2. Citations and explanations (Rule 70.7):

see separate sheet

Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

see separate sheet

Re Item III.

Claims 11-18, 20: Rule 39.1(iv) PCT - Method for treatment of the human or animal body by surgery.

Claim 19: Not clearly defined.

Re Item V.

- 1 D1 : US 2002/183688 A1 (LASTOVICH ALEXANDER G ET AL) 5 December 2002 (2002-12-05)
D2 : US 6 607 513 B1 (LASTOVICH ALEXANDER G ET AL) 19 August 2003 (2003-08-19)
D3 : FR 983 602 A (LUNAUD) 26 June 1951 (1951-06-26)
2. The present application meets the criteria of Article 33(1) PCT.
- 2.1 Document D1 discloses (see Figs. 11 and 12):
an apparatus suitable to remove a pigmented section of skin (see par. 38 and 52), comprising:
a skin puncturing device 84 having an array of needles 86; and
a mediating member attached to said device 84 and to suction means 104 suitable to collect the mixture of pigments at the punctured section of skin.
- 2.2 It would not be obvious to provide the puncturing needle array of D1 with vibrating means to allow improved removal of tattoo pigment since the device of D1 is for transdermal sampling of a substance. The use of tattoo machines (having vibrating needles) for tattoo removal is known, using empty needles or needles with a fluid for destroying tattoo pigment but there is no indication in the art to provide these machines with a mediating member attached to suction means to collect the mixture of pigment.

Re Item VIII

**INTERNATIONAL PRELIMINARY
REPORT ON PATENTABILITY
(SEPARATE SHEET)**

International application No.

PCT/IL2004/000784

1. Claim 1 is not in the two part form and the claims have no reference numerals.

16466-WO-03

- 19 -

CLAIMS

1. An apparatus for removing a pigmented section of skin, comprising:
 - a) a skin puncturing device provided with vibrating means;
 - b) an array of one or more needles connected to said skin puncturing
5 device; and
 - c) a mediating member attached to said device and to suction means;
wherein said skin puncturing device causes said needles to vibrate,
thereby repeatedly puncturing the skin at said pigmented section and
said suction means clean the surface of said punctured section of the
10 skin.
2. Apparatus according to claim 1, wherein said mediating member is
capable of creating an essentially isolated area above said punctured
section of skin, which is suitable for puncturing and for suction of the
15 area.
3. Apparatus according to claim 1, wherein the mediating member
comprising one or more openings through which the suction means
collect the mixture of the pigments with the cellular fluids.
20
4. Apparatus according to claim 1, wherein the mediating member
further comprises means for connecting said member to a source of a
cleaning material for applying said cleaning material onto the